

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MICHAEL BILLY,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-13-819-D
)	
CAROLYN COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

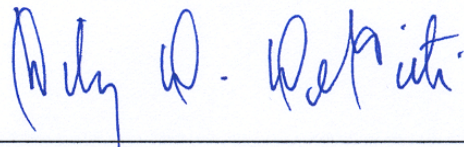
ORDER AWARDING ATTORNEY FEES

This matter comes before the Court on Plaintiff's Motion for Attorney's Fees Under the Equal Access to Justice Act [Doc. No. 19], filed pursuant to 28 U.S.C. § 2412. Plaintiff seeks an award of fees in the amount of \$5,428.80 for legal services provided by his attorney in the case (31.2 hours). Plaintiff is the prevailing party in this action under 42 U.S.C. § 405(g) by virtue of the Judgment entered December 4, 2014. Defendant has filed no timely response to the Motion. In the exercise of discretion under LCvR7.1(g), the Court deems the Motion confessed.

For this reason, and upon consideration of the law, the case record, and the arguments in Plaintiff's supporting brief, the Court finds: (1) the Commissioner's position in the case was not substantially justified; (2) Plaintiff is entitled to an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d); and (3) the amount of attorney fees requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Motion is GRANTED. The Court orders an award of attorney fees to Plaintiff pursuant to the Equal Access to Justice Act in the amount of \$5,428.80. Should an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized, Plaintiff's attorney shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 31st day of December, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE